

**CITY OF ROCKVILLE HISTORIC DISTRICT COMMISSION
STAFF REPORT
for
November 19, 2009
Meeting No. 10-2009**

APPLICATION: HDC2010-00484
Courtesy Review

ADDRESS: Victory Court: adjacent to
the Rockville Heights
Historic District

ACCEPTED: October 27, 2009

45 DAY LIMIT: N/A

OWNER: Montgomery County/
Victory Housing

REQUEST: Review Preliminary Plan of
Subdivision of Rockville
Heights Historic District

STAFF: Robin D. Ziek



Approximate project area and historic district, current

OVERVIEW

Approval for this Special Exception for Senior Housing [SPX2009-00378] by the Board of Appeals (BOA) is pending after two days of public hearing and discussion at the BOA. The BOA has requested submittal of another design proposal that will reduce the height of the peaked roof by five feet (5'), and submittal of a revised design that will use a flat roof. The actual design of the building will have no effect on the Preliminary Plan of Subdivision. Therefore, the HDC is asked for a recommendation on this proposed subdivision, to assure that the Planning Commission (PC) has the HDC recommendation when the PC takes this up in December. The Preliminary Plan of Subdivision will establish the legal lot boundaries within the already established boundaries of the designated historic district.

DRAFT MOTION OF APPROVAL

Finding that the Preliminary Plan of Subdivision for the Rockville Heights Historic District complies with prior guidance provided by the HDC to the applicant, and that the applicant will be returning to the HDC for a Certificate of Approval on the Site Plan, at which time landscape buffers, sidewalks, and any other proposed alterations within the historic district boundaries will be proposed for HDC approval, I recommend approval of the Preliminary Plan of Subdivision.

BACKGROUND

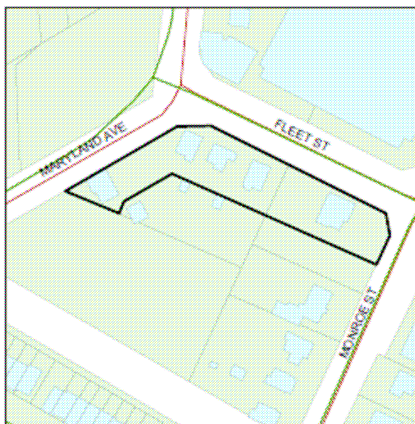
Historic Significance:

The Rockville Heights Historic District is significant as an intact collection of early 20th century residential architecture of varying styles. The district borders the Town Center and conveys small town land use patterns that characterized Rockville's built environment prior to WWII. The Rockville Heights Historic District is located at the northern end of the Rockville Heights subdivision, platted in 1890. The house at 107 Fleet Street dates to 1904 and reflects the late 19th century Queen Anne style. The other four houses were built between 1926 and 1936. Together, they present an early 20th century streetscape and reflect the early residential character of this part of Rockville, where commercial, office and governmental offices now dominate.

PREVIOUS ACTIONS

| | |
|--|---|
| September 12 th , November 17 th December 5, 2009 | Board of Appeals review of proposed use through Special Exception application SPX2009-00378 |
| March 19, 2009 | Courtesy Review with HDC |
| December 18, 2008 | Courtesy Review with HDC. |
| June 16, 2005 | HDC recommended the "Rockville Heights Historic District" to include buildings at 101, 103, 105, 107 Fleet Street and 150 Maryland Avenue. |
| October 13, 2008 | Historic District adopted by M&C. |

Rockville Heights Historic District Boundary

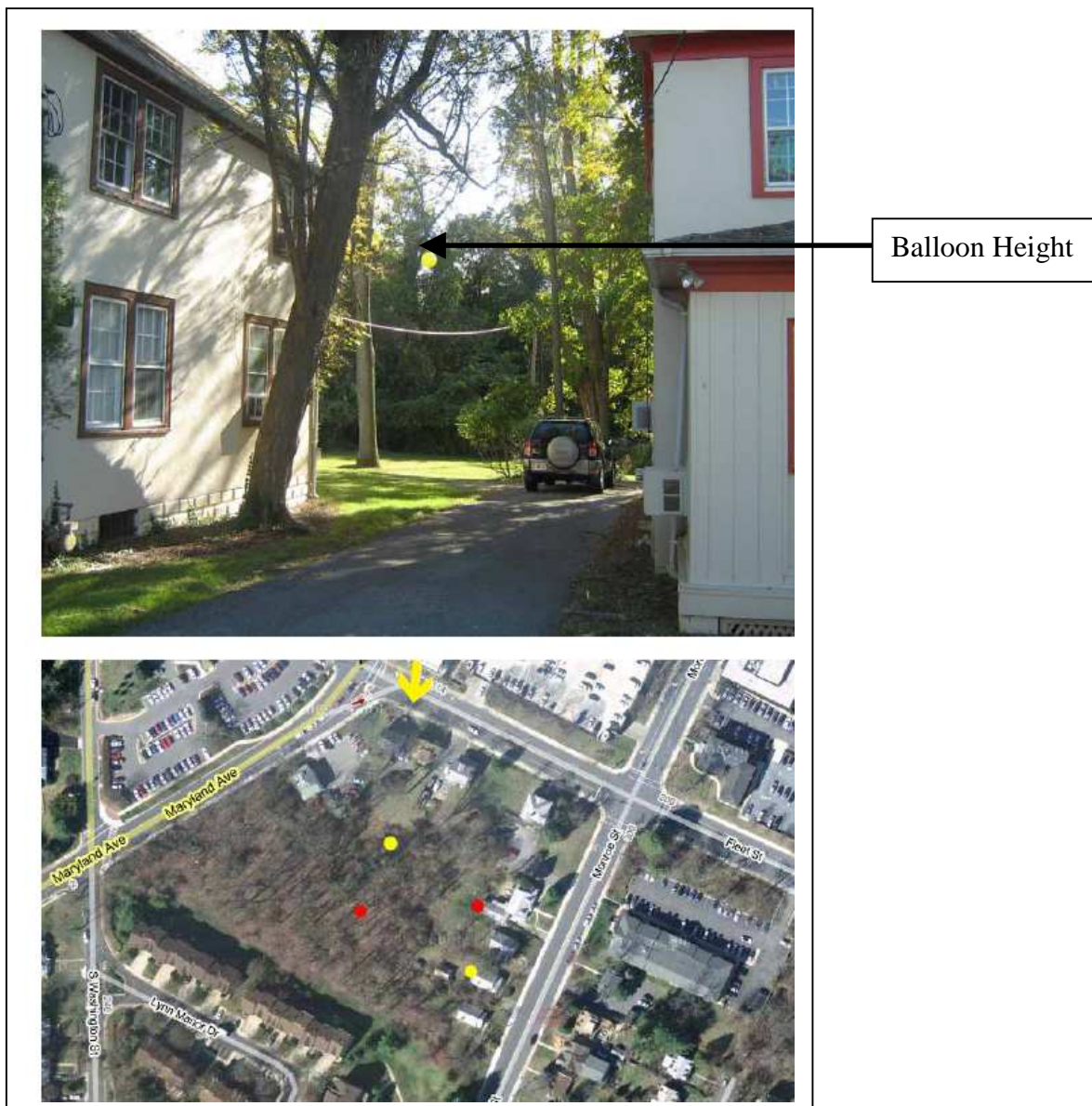


The historic district is owned by Montgomery County as are all the parcels defined by Maryland Avenue, Fleet Street, Monroe Street and Mount Vernon Place. The houses were acquired by the county in the 1960s and have been used for a variety of office uses. Approval of the historic district coincided with the County and Victory Housing Inc. finalizing an agreement to construct low-to-moderate income housing for independent seniors. Immediately after designation, the County undertook deferred maintenance at the properties.

PROPOSED PROJECT

The HDC has provided Courtesy Reviews of the proposed 3-1/2 story Victory Court Senior Housing to be built on the majority of the property, and adjacent to, and south of, the historic district.

Recent events since the HDC reviewed this in March 2009 include two hearings at the Board of Appeals, and a balloon test to provide an on-site illustration of the proposed height of the new building with respect to the existing structures to the north and south. The balloon test indicates that the new structure maintains a reasonable height with respect to the properties within the historic district, which are all located on the highest part of the block. The new building will be substantially higher than the existing properties to the south due, again, to topography.





Balloon Height



The balloon tests indicate that the proposed height of the building will appear to be lower than the roof heights of the homes in the Historic District, taking into account perspective.

Below are two earlier views of the proposed new facility, just to give the HDC some reference point for reviewing the above balloon test. The actual roofline of the facility will be modified at the request of the Board of Appeals, as described below.



View at intersection of
Monroe Street and
Fleet Street, looking
southwest



View past proposed Lot 6, from Fleet Street looking south

Design of Senior Housing Building

In response to the concerns of the adjacent neighbors, the BOA has instructed the applicant to return on December 5, 2009 with two revised proposals: 1) Reduce roof design by five feet (5'), and 2) Revise the design to provide a flat roof, perhaps by using a mansard configuration. The HDC has already provided a recommendation in favor of the current design, and the Board of Appeals is asking for design modifications only.

Parking

Parking within the historic district had been much discussed. The applicant has now removed the proposed parking lot at the corner of Maryland Avenue. The bulk of that land will be added to Lot 3 to provide a larger yard where there are also significant trees. Outlot B will be retained for a public sidewalk leading from the Senior Housing site to Maryland Avenue, as requested by the HDC, and for emergency vehicle access, as required by the Fire Marshal.

Each lot within the historic district will have the required parking for two vehicles per lot.

The applicant has modified their building plans to provide additional parking within the footprint of the senior housing structure to account for the reduction of parking spaces within the historic district. In addition, planning staff has asked the applicant to look into developing an agreement with the County to secure additional parking spaces in the renovated and enlarged county parking garage across from the historic district at Fleet Street and Monroe Street.

Site Plan and probable parcel subdivision

The proposed site plan responds to prior comments made at earlier Courtesy Reviews with the HDC, including the following:

- Lot 7 reflects the original larger size of this lot, while not exactly replicating the size;
- The east property line for Lot 5 has been increased;
- The west sideyard for Lot 3 has been increased;
- The trees on Lot 3 will not be damaged by the installation of a new parking lot;
- Outlot B is a remnant of the previously proposed parking lot;
- Outlot B provides a sidewalk connection to the public sidewalk at Maryland Avenue;
- Outlot A protects trees within a forest conservation area, but follows the historic district boundary line;

Lot 6 is being proposed and could be a site of a new house. As this is not a permitted sole use in the MXNC Zone, Lot 6 cannot be used solely for parking as was previously discussed. It is therefore anticipated that new infill construction will be proposed at some future date. The Zoning Ordinance describes the purpose of the MXNC Zone as:

“Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single unit detached residential uses. This zone allows for low to moderate density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited. Mixed-Use Neighborhood Commercial ("MXNC")” [Article 25.13.02]

Schedule

| | |
|-------------------|--|
| December 5, 2009 | Board of Appeals decision |
| December 16, 2009 | Planning Board review of Preliminary Plan of Subdivision |
| 2010 | COA application [Site Plan] to HDC |
| | Planning Commission approval Site Plan, Subdivision Plat |
| | Building Permit |

Site Plan issues will include landscape materials proposed within and as buffers for the historic district, shared-use path along Fleet Street, bus shelter size, design and location along Monroe Street, amongst other things.



LAW OFFICES
MILLER, MILLER & CANBY

CHARTERED

PATRICK C. MCKEEVER (DC)
 JAMES L. THOMPSON (DC)
 LEWIS R. SCHUMANN
 JODY S. KLINE
 ELLEN S. WALKER
 MAURY S. EPNER (DC)
 JOSEPH P. SUNTUM

200-B MONROE STREET
 ROCKVILLE, MARYLAND 20850
 (301) 762-5212
 FAX (301) 424-9673
 WWW.MILLERMILLERCANBY.COM

SUSAN W. CARTER
 ROBERT E. GOUGH
 DONNA E. MCBRIDE (DC)
 GLENN M. ANDERSON (FL)
 MICHAEL G. CAMPBELL (DC, VA)
 SOO LEE CHO (CA)
 AMY C. GRASSO

** All attorneys admitted in Maryland and where indicated*

SLCHO@MMCANBY.COM

October 27, 2009



Ms. Robin Ziek
 Historic Preservation Planner
 City of Rockville
 111 Maryland Avenue
 Rockville, MD 20850

RE: Victory Court/Rockville Heights Historic District – Preliminary Plan of Subdivision;
 PLT2009-00498

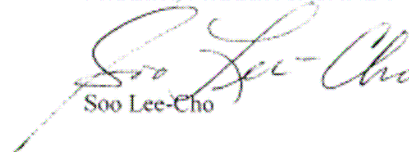
Dear Robin:

Pursuant to our conversation, enclosed please find for the Historic District Commission's review seven (7) copies of the revised Preliminary Plan for the Victory Court / Rockville Heights Historic District properties, along with a CD containing an electronic copy of the plan in JPEG format for your use.

Thank you for your attention to this matter. We look forward to presenting the above at the Commission's November 19th meeting.

Sincerely yours,

MILLER, MILLER & CANBY


 Soo Lee-Cho

J:\VICTORY\18096 - Fleet Street Property\Ziek ltr_10-27-09.doc
 10/27/2009 4:24:00 PM

HDC2010-00484



Macris, Hendricks & Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Phone 301.670.0840
Fax 301.948.0693

TRANSMITTAL

To: Robin Zeik
Department of Community Planning
and Development Services
111 Maryland Avenue
Rockville, MD 20850
Via: MHG

Jeff Blackwell
Victory Housing, Inc. **Via:** Email

Soo Lee Cho & Jody Kline
Miller, Miller & Canby **Via:** Email

From: Mike Plitt *MP*

Project: Victory Court Senior Housing
MHG Project # 08-111-11

Date: October 28, 2009

Subject: Preliminary Plan

Please find enclosed:

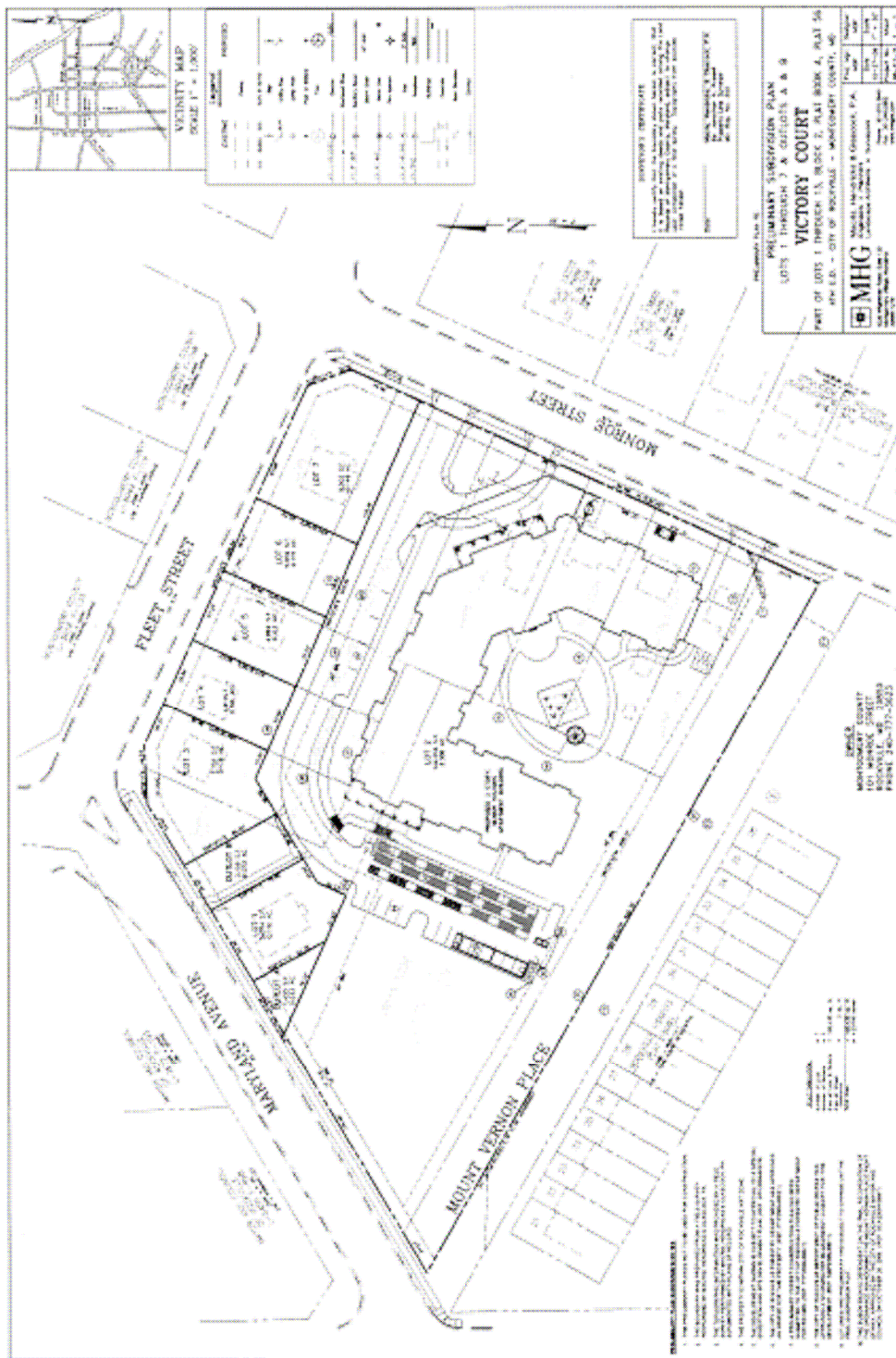
- 1 Copy of the Preliminary Plan
- 1 11" x 17" Copy of the Preliminary Plan

Sent at the request of Soo Lee Cho of Miller, Miller and Canby

TR010.MDP



HDC2010-00484



Attachments: Preliminary Subdivision Plan - Lots 1 through 7 and Outlots A & B (10/27/09)